RECENT CASES.

ADMIRALTY — TORTS — RECOGNITION OF STATE LAW AS TO LIABILITY OF COUNTY. — The ship of the libelants was injured by the negligence of the servants of the respondent county in operating a drawbridge over a navigable stream. By the common law of the state in which the accident occurred a governmental agency was not liable for the negligence of its servants. *Held*, that the county is liable under the general maritime law. *O'Keefe* v. *Staples Coal Co.*, 201 Fed. 131 (Dist. Ct., D. Mass.).

A suit in the state court under the facts of the principal case would have brought the opposite decision. *French* v. *Boston*, 129 Mass. 592. The same anomaly of rights varying with the court appears in the defense of contributory negligence. *Cf. The Max Morris*, 137 U. S. 1, 11 Sup. Ct. 29; *Garoni* v. *Compagnie Nationale de Navigation*, 131 N. Y. 614, 14 N. Y. Supp. 797. The federal government was given exclusive jurisdiction of admiralty in the interest of uniform laws. See *The Roanoke*, 189 U. S. 185, 198, 23 Sup. Ct. 491, 494; *The Chusan*, 5 Fed. Cas., No. 2,717. But this does not prevent admiralty, if it chooses, from recognizing affirmative rights given under state statutes. So admiralty has recognized a state statute allowing an action for death by wrongful act. *The Harrisburg*, 119 U. S. 199, 7 Sup. Ct. 140; *The Hamilton*, 207 U. S. 398, 28 Sup. Ct. 133. It has also recognized a state statute giving a lien for supplies in the home port although the rights of priority were held to be governed by admiralty law. *The Edith*, 94 U. S. 518; *Peyroux* v. *Howard*, 7 Pet. (U. S.) 324. In other cases the court has rejected state statutes as inconsistent with the principles of admiralty. *The Roanoke*, 189 U. S. 185, 23 Sup. Ct. 491; *The Key City*, 14 Wall. (U. S.) 653. And the principal case follows a prior decision in refusing to recognize the state common law. *Workman* v. *New York*, 179 U. S. 552, 21 Sup. Ct. 212. Whether or not a particular state statute will be given effect in a court of admiralty sitting in the state seems to depend on no more definite principle than the character of the statute. But it seems unlikely that admiralty courts will adopt local common-law rules without legislation by Congress.

BAILMENTS — NATURE OF BAILMENTS — LIABILITY OF RESTAURANT KEEPER FOR GUEST'S OVERCOAT. — The plaintiff, a guest in the defendant's restaurant, hung his overcoat on a hook provided for the purpose a few feet from his table. When the plaintiff prepared to depart the coat had disappeared. *Held*, that the defendant is liable. *Wentworth* v. *Riggs*, 139 N. Y. Supp. 1082 (Sup. Ct., App. Div.).

The restaurant keeper, unless there is a bailment, owes merely a duty of reasonable supervision for guests' belongings, founded on the usual obligation to protect invitees from foreseeable dangers. *Simpson* v. *Rourke*, 13 N. Y. Misc. 230, 34 N. Y. Supp. 11. But if the defendant is a bailee, as the court in the principal case considered him, he must take due care to protect the particular chattel. To establish a bailment, possession must be consciously relinquished by the bailor and assumed by the bailee. For, except where the relationship is imposed by law, as in the case of finders, the obligation is based on an express or implied agreement. See *Mariner* v. *Smith*, 5 Heisk. (Tenn.) 203, 206; *First National Bank* v. *Ocean National Bank*, 60 N. Y. 278, 284. In the absence of an actual delivery, the discussion in the principal case seems to be mainly as to whether an invitation to or aquiescence in a bailment by the restaurant keeper may be implied. *Cf. Bunnell* v. *Stern*, 122 N. Y. 539, 25 N. E. 910. A more serious objection to the existence of a bailment, however, would seem to be the difficulty in implying the consent of the guest to yielding possession.